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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,287	04/12/2001	Peter Sebastian Gargone	3984	4230
27123	7590	01/18/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			HEWITT II, CALVIN L	
			ART UNIT	PAPER NUMBER
			3621	

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/834,287

Applicant(s)

GARGONE, PETER SEBASTIAN

Examiner

Calvin L Hewitt II

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-117 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-117 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Status of Claims

1. Claims 1-112 have been examined.

Response to Amendments/Arguments

2. The Applicant is of the opinion that the prior art of Beattie et al. and Bharat et al. do not adequately address Applicant's claims. The Examiner respectfully disagrees. When interpreting an Applicant's claims *In re Zletz* (893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (Fed. Cir. 1989)) is clear.

During patent examination the pending claims must be interpreted as broadly as their terms reasonably allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process.

For example, the Applicant is of the opinion that Beattie et al. do not teach reconciliation of data between a plurality of data sources. In view of the lack of an explicit definition for the term reconcile or reconciliation the Examiner will rely on an ordinary meaning of the term (67 USPQ2D 1947 *E-Pass Technologies Inc. v, 3Com Corp.*). Webster's Ninth New Collegiate Dictionary defines "reconcile" as "to make consistent or congruent" while Roget's II The New Thesaurus defines the term as "bring into accord or to bring something into a state of agreement". In

order to access content, users of the Beattie et al. system query (utilizing configuration information) a database (reference library for defining data external to a computing system), and in response to said query the database system returns a “match”. The “match” is a reconciliation or the result of the database’s system reconciling of the query, or user’s desires, with the content stored in the database (figure 2). Regarding “data from a plurality of sources”, Beattie et al. clearly teach data received from varying content creators and publishers (figure 1). The Applicant is also of the opinion that Beattie et al. do not teach “decomposing said data”. Beattie et al. teach sending a query string to a database system for retrieval of content (figures 2 and 4A). In order to perform this task the system decomposes the query into its various textual elements (column/line 23/8-24/26), hence Beattie et al. teach decomposing data based on the configuration objects. Beattie et al. also provide a computer and network system and architecture for managing and processing objects (i.e. computer text, image, video, audio and multi-media files), hence Beattie et al. teach “object architecture” (column 10, lines 10-23).

Claims 77-112 are also addressed in this Office Action. The scope and content of these claims is found in claims 7 (claims 77 and 95) and 14-18 (claims 78-94 and 96-112), therefore, in order to reject these claims the Examiner did not have to change the original grounds of rejection. Specifically, the Examiner did not go from a 102 to a 103, 103 to 102, or add a new 112 or 101 rejection. No

new art has been cited nor has the motivation to combine the references changed. However, in fairness to the Applicant, the Examiner will gladly grant a second interview to allow the Applicant to discuss the Examiner's application of the prior art to claims 77-112.

Claims 113-117 are addressed below.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 116 and 117 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claims 116 and 117 recite analyzing and decomposing data. It is not clear on which data is the reconciliation performed the analyzed data or decomposed data.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 7-11, 20-29, 37-46, 54-63, 77, 95, and 116 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Beattie et al., U.S. Patent No. 5,659,742.

As per claims 1-5, 7-11, 20-29, 37-46, 54-63, 77, 95, and 116, Beattie et al. teach a method for performing a business function in an object architecture comprising the utilization of a memory unit and processing unit for (figures 1-3):

- utilizing configuration information (query rules) for directing at least one process (search) to perform a business function or reconciliation (accessing content) (figures 1, 2, 5A, 6B-7B)
- utilizing a reference library (content database) for defining data external to the object architecture (user computer) and supporting said configuration information (figures 1, 3, 5)
- interfacing said at least one process (search) associated with the object architecture with at least one in-memory object (content) (figures 2 and 3)
- utilizing at least one data storage object (user computer memory) for preserving (storing) the data affected by said at least one process (search) (figures 3-4A)

- configuring the computer system to support data processing for data (figure 1)
- processing data from a plurality of data sources based on one known property wherein said processing is dependent on information obtained during configuring (figures 1 and 2) wherein said processing comprises combining related data from said plurality of data sources (figure 4A)

The reference library of Beattie et al. also comprises at least one business process configuration object (that directs at least one process- a search- in conjunction with a data definition object created by specifying source information for said data), for managing said configuring information and at least one data definition object for managing the definition of the data external to the object architecture. In order for the query (configuration information) to retrieve content stored in the database (figures 1-5) the database must be in such a form (i.e. defined) to allow query to identify the content that matches the query.

As per claims 6, 19, and 71-76, Beattie et al. teach creating a library of objects (figures 1-3), receiving data based on the objects (search- figure 2), decomposing said data based on the configuration objects (converting the natural language search into language the computer can understand-figure 2), interpreting the data source objects (accessing the content- figure 2), performing at least one business function on the received data (providing the service of

retrieving content (figure 3) and returning the results of the processed information (figure 2).

As per claims 12, 13, 30, 31, 47, 48, 64, and 65, Beattie et al. teach a method for monitoring data integrity in a computing system comprising the utilization of a memory unit and processing unit for (figures 1-3):

- analyzing data from a plurality of sources (search) (figures 1-4A)
- configuring the computing system (computer with a browser) to support data reconciliation (data presentation) for said data, said configuring based on the data analysis (browser's look is a function of the query) (figure 4A)
- reconciling data from said plurality of sources based on information obtained during configuring (presenting search results) (figure 4A)
- obtaining data from a plurality of sources for said at least one data integrity control (figures 2 and 4A)

In order for the search to retrieve content stored in the database (figures 1-5) the database must be in such a form (i.e. defined) to allow query to identify the content that matches the query. Similarly, the search utilizes integrity control in order to process the natural language query (figure 2) into computer understandable language. Wherein the integrity control is based on the query (figure 4A).

As per claim 116, Beattie et al. also teach generating a match key string from field element selections from the configuration (figure 4A), matching the data based on the matched key string (figure 2), interpreting stored data target configuration objects (figures 1-4C; column/line 23/8-24/26) and reconciling data from the plurality of stored data targets depending on information obtained from the configuration and matching of data (figures 1-4C).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 14-18, 32-36, 49-53, 66-70, 78-94 and 96-112 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., U.S. Patent No. 5,659,742 in view of Bharat et al., U.S. Patent No. 6,286,006.

As per claims 14-18, 32-36, 49-53, 66-70, 78-94 and 96-112, Beattie et al. teach a method for monitoring data integrity in a computing system comprising the use of integrity control for obtaining data from a plurality of sources (figure 4A). Beattie et al. teach a query method that utilizes decomposition and matching of data (figure 2). Beattie et al. also integrity control for updating information in

said plurality of data sources (figures 5 and 6; column 18, lines 3-10), combining related data from said plurality of data sources (figure 4A), providing a single view of said related data from said plurality of data sources (figures 1 and 4A) and adjusting said view to accommodate viewing a smaller subsection of said related data (figures 4B and C). However, Beattie et al. do not specifically recite identifying inconsistencies in data obtained from a plurality of data sources. Bharat et al. teach a method and system for identifying inconsistencies (i.e. monitoring consistency of related data) in search results by identifying "broken links" in search results replacing those links with similar links (i.e. corrective actions or correcting an identified inconsistency) and transmitting information related to said correction to an individual (i.e. reporting results of said processing) (figure 3d; column 6, lines 12-31). Bharat et al. also teach a computing system for storing at least one corrective instruction for said related data, said instruction capable of correcting inconsistencies (figure 1). Further, Beattie et al. teach transmitting information that relates to integrity control information such as document maintenance information ('742, figure 5) or accounting information ('742, figure 13) hence, corrective actions ('006, figure 3d) would not prevent this process from occurring. Therefore, it would have been obvious to one of ordinary skill to combine the teachings of Beattie et al. and Bharat et al. in order to provide users with better search results.

10. Claims 113-115 and 117 are rejected under 35 U.S.C. 103(a) as being unpatentable over Beattie et al., U.S. Patent No. 5,659,742.

As per claims 113-115 and 117, Beattie et al. teach a computer-based method for processing data (abstract; figures 1-4C). Regarding object-oriented programming, in order to perform a task a computer requires instructions. These instructions or code, are in the form of programming languages such as BASIC, C++, or JAVA. Therefore, it would have been obvious to one of ordinary skill to use any of the known computer programming languages to implement the system of Beattie et al.. Similarly, Beattie et al. use electronic databases to store and retrieve content objects (figure 1; column 10, lines 10-23). Two methods used in the art for performing such a task are object-oriented and relational databases. Therefore, it would have been obvious to one of ordinary skill to use either type in construct the information retrieval system of Beattie et al. (abstract)

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory

period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

12. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Calvin Loyd Hewitt II whose telephone number is (703) 308-8057. The Examiner can normally be reached on Monday-Friday from 8:30 AM-5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, James P. Trammell, can be reached at (703) 305-9768.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
c/o Technology Center 2100
Washington, D.C. 20231

or faxed to:

(703) 305-7687 (for formal communications intended for entry and after-final communications),

or:

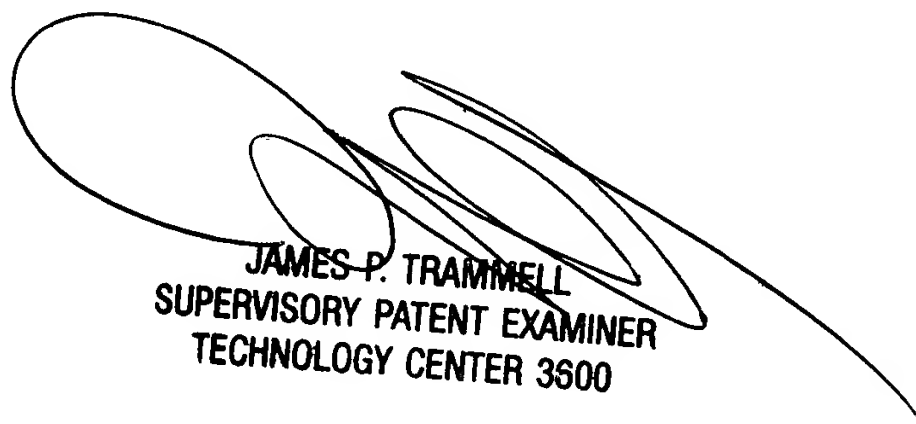
(703) 746-5532 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park 5,
2451 Crystal Drive, 7th Floor Receptionist.

Any inquiry of a general nature or relating to the status of this application
should be directed to the Group receptionist whose telephone number is (703)
308-1113.

Calvin Loyd Hewitt II

January 12, 2005



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600